

# EXHIBIT 6

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

7<sup>th</sup> & ALLEN EQUITIES, : Case No.: 11-cv-01567  
Plaintiff :  
vs. :  
HARTFORD CASUALTY INSURANCE :  
COMPANY :  
Defendant :

**AFFIDAVIT OF GERALD JOHN FILLMAN, JR.**

County of Lehigh :  
: ss  
Commonwealth of Pennsylvania :

Gerald John Fillman, Jr., of full age and duly sworn, by way of Affidavit deposes says:

1. I am a Rite Aid of Pennsylvania, Inc. District Manager.
2. On March 4, 2009, my district included the Rite Aid store number 11051 which was formerly in the building at 7<sup>th</sup> & Allen Streets in Allentown, Pennsylvania.
3. The Rite Aid store 11051 occupied only part of the first floor of the building at 7<sup>th</sup> & Allen Streets. The second and third floors of the building, as well as the basement, were unoccupied - at least as of March 2009.
4. On March 4, 2009 I was notified by Rite Aid Store Manager Chris Ellis of a water leak coming through the store's ceiling.
5. I visited the store after being notified of the leak and discovered that the source of the water leak was a sprinkler head from part of the building's fire suppression system on the building's

vacant third floor.

6. It is my understanding that, because the March 4, 2009 flooding originated on the third floor of the building, Rite Aid had no interest in the sprinkler head especially since representatives of the building owner and/or property management company were also able to confirm the source of the water leak.

7. I do not recall ever meeting or having contact with Michael Zazula or anyone else from Plick & Associates.

8. I never had possession, custody or control of the sprinkler head involved in the March 4, 2009 water leak.

9. I never told anyone that Rite Aid required possession of the sprinkler head for any reason.

10. I never told anyone that they could not take or retain custody of that sprinkler head for any reason.

11. I accompanied employees from Rite Aid's facilities department to the third floor of the building and, to my knowledge, none of them took possession of the sprinkler head.

12. To my knowledge, no one from Rite Aid took possession of the sprinkler head.



Gerald John Fillman, Jr.

Sworn to and subscribed before me  
this 24 day of September, 2012



Notary Public

COMMONWEALTH OF PENNSYLVANIA

Notarial Seal

Danna Y. Espinosa, Notary Public  
City of Allentown, Lehigh County  
My Commission Expires Aug. 23, 2014

Member, Pennsylvania Association of Notaries